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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,227	11/06/2006	Sohey1 Mottahedeh	CU-4925 BWH	9363

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CHICAGO, IL 60604

EXAMINER
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SCRUGGS, ROBERT J

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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09/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,227	<b>Applicant(s)</b> MOTTAHEDEH, SOHEYL	
	<b>Examiner</b> ROBERT SCRUGGS	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36, 51, 69 and 80-82 is/are pending in the application.
- 4a) Of the above claim(s) 37-50, 52-68 and 70-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22, 29-33, 35, 36, 51, 69 and 80-82 is/are rejected.
- 7) ☒ Claim(s) 23-28 and 34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/22/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on January 22, 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Browning (4117983).

In reference to claim 1, Browning discloses a bag for a fluid displacement device, said bag comprising a bag-carrying assembly (Figure 1), a bag-carrying arrangement (14) and an opening (26) adjacent to said bag-carrying arrangement for receiving a fluid-displacement portion (65) of the fluid displacement device for entraining fluid and any elements within said fluid therein, said bag-carrying arrangement comprising an inlet

Art Unit: 3723

formed as the areas beneath straps (14) configured to receive a support member (11) therein.

In reference to claim 2, Browning also shows that said bag-carrying assembly is provided at a top portion thereof (Figure 1).

In reference to claim 3, Browning also shows that said fluid-displacement portion comprises a discharge portion (25).

In reference to claims 6 and 7, Browning also shows that said bag-carrying assembly comprises a bag-carrying member, wherein said bag-carrying member comprises a strap member (14)

5. Claims 1-3, 6-15, 18, 31, 35, 36, 51 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Cleworth (4964472).

In reference to claim 1, Cleworth discloses a bag for a fluid displacement device, said bag comprising: a bag-carrying assembly (Figure 10), a bag-carrying arrangement (46) and an opening formed as the receiving area that receives fluid-displacement tube (42) adjacent to said bag-carrying arrangement for receiving a fluid-displacement portion (42) of the fluid displacement device for entraining fluid and any elements within said

Art Unit: 3723

fluid therein, said bag-carrying arrangement comprising an inlet formed as the areas between bag edges (44) configured to receive a support member (48) therein.

In reference to claim 2, Cleworth also shows that said bag-carrying assembly is provided at a top portion thereof (Figure 10).

In reference to claim 3, Cleworth also shows that said fluid-displacement portion comprises a discharge portion (42).

In reference to claims 6 and 7, Cleworth also shows that said bag-carrying assembly comprises a bag-carrying member, wherein said bag-carrying member comprises a strap member (46).

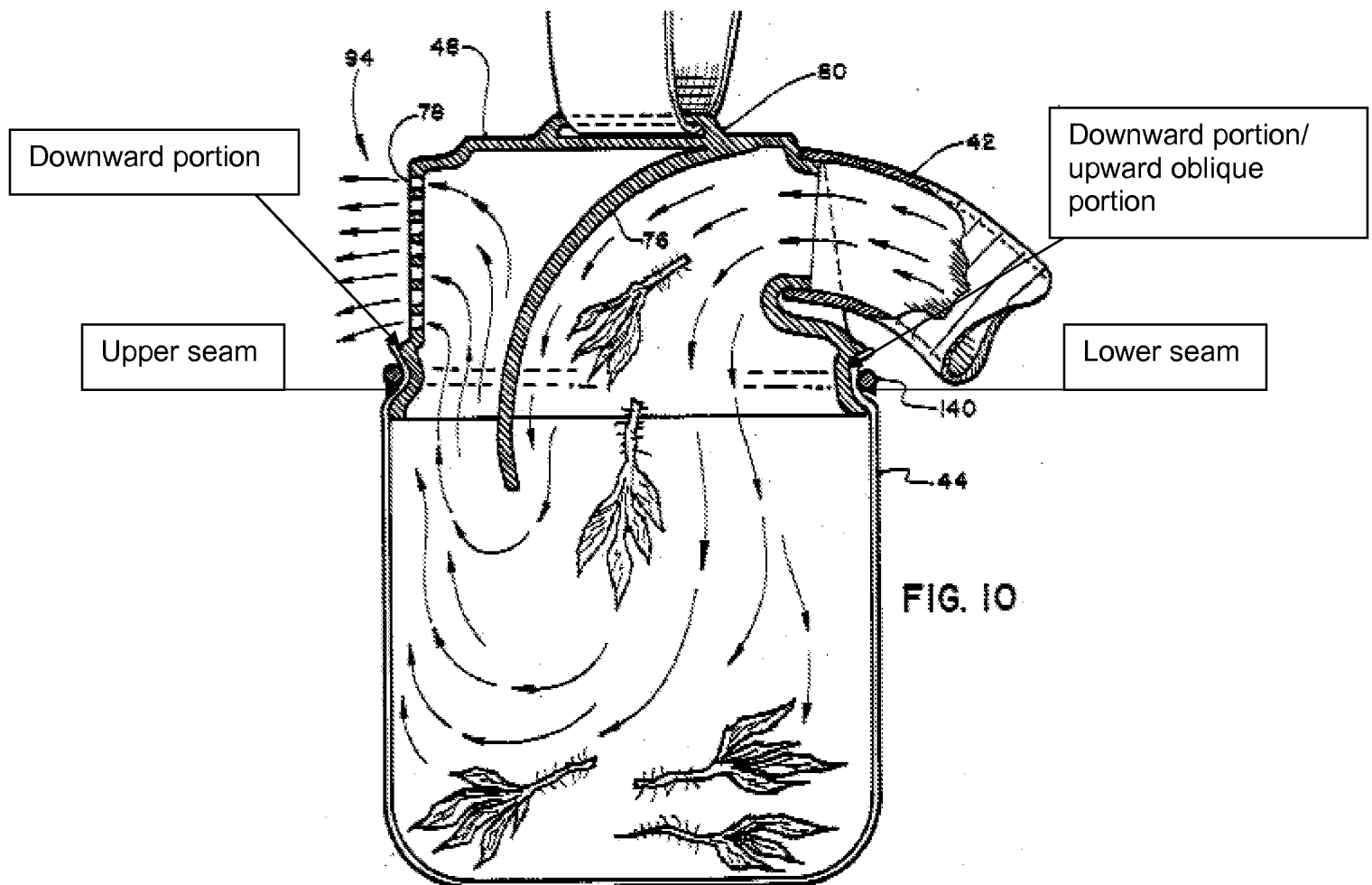
In reference to claim 8, Cleworth also shows that said support member (48) is configured to receive a strap member (46).

In reference to claim 9, Cleworth also shows said support member (48) comprises an elongate member selected from the group consisting of a hollow structure, a solid structure, a casing, and a collar (Figure 10).

In reference to claim 10, Cleworth also shows that said inlet is defined between two adjacent seams formed as the two inner seams of bag (44) (Figure 10).

Art Unit: 3723

In reference to claim 11, Cleworth also shows that said two adjacent seams comprise upper and lower seams, said lower seam comprising a downward portion providing for said opening to comprise a downward arrangement (see figure below).



In reference to claim 12, Cleworth also shows that said two adjacent seams comprise upper and lower seams, said lower seam comprising an upward oblique portion

Art Unit: 3723

providing for said opening to comprise an upwardly slanted arrangement (see figure above).

In reference to claim 13, Cleworth also shows that said bag carrying member is mountable to said support member (Figure 10).

In reference to claim 14, Cleworth also shows that said bag-carrying member comprises a shoulder strap (46), said support member comprising an elongate member (48) (Figure 10).

In reference to claim 15, Cleworth also shows that said shoulder strap is mounted on said elongate member (Figure 10).

In reference to claim 18, Cleworth also shows that said inlet includes an opening for exposing a portion of said elongate member in said inlet, said strap member being mountable to said exposed portion formed as the upper portion of said elongate member (48) (Figure 10).

In reference to claim 31, Cleworth also shows that said support member comprises a hanger-type handle formed as the upper portion of element (48) (Figure 10).

Art Unit: 3723

In reference to claim 35, Cleworth also discloses that said fluid being displaced by said fluid displacement device is selected from the group consisting of air, gas, liquids and a combination thereof (94).

In reference to claim 36, Cleworth also disclose that said fluid displacement device comprises a device selected from the group consisting of a blower/vacuum, a blower, a lawn mower, a shredder, a ventilator, a gas exhaust pipe, a gas released from a compressed vessel, a pneumatic gun, a pneumatic suction gun, a fluidic suction equipment, a power vacuum, a manually-operated vacuum, and a combination thereof (Column 2, Lines 24-31).

In reference to claim 51, Cleworth also disclose a bag-carrying assembly for a bag for a fluid displacement device, said bag comprising: bag-carrying-member-receiving elements formed as the seams previously discussed above, and an opening for receiving a discharge portion of the fluid displacement device formed as the receiving area that receives fluid-displacement tube (42), said assembly comprising: a support member comprising a longitudinal member (48) for being mounted to said bag-carrying-member receiving elements and a securing-member (46) mounted to said longitudinal member for securing the bag to the discharge portion about the opening (Figure 10).

In reference to claim 69, Cleworth also disclose a fluid displacement device comprising: a fluid discharge portion (42), a bag comprising a bag-carrying assembly comprising a



Art Unit: 3723

bag-carrying arrangement (48) adjacent to an opening for receiving said fluid-discharge portion of said fluid displacement device (Figure 10), whereby when said fluid-discharge portion is in fluid communication with said opening, fluid and any elements within said fluid may flow in and filtered fluid may exit said bag, said bag-carrying arrangement comprises an inlet formed as the areas between bag edges (44) configured to receive a support member (48) therein (Figure 10).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Malchado et al. (4186546).

In reference to claims 4 and 5, Cleworth discloses the claimed invention previously mentioned above, but lacks, a bag comprises air vents formed by perforations. However, Malchado et al. teach a technique of forming a bag with perforations (14). One of ordinary skill in the art could have applied the known technique of forming a bag with perforations, as taught by Malchado et al., in the same way to the device, of Cleworth, and the results would have been predictable. In this situation, one could more effectively vent the bag during operation.

Art Unit: 3723

8. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Von Neumann (6189750). Cleworth discloses the claimed invention previously mentioned above and further discloses that said elongate member comprising a corresponding aperture for receiving said strap member (Figure 10), but lacks, a strap comprising a hook member for connection with said aperture. However, Von Neumann teaches a technique of securing a shoulder strap (26) to a support (30) by forming the shoulder strap with a hook (28). One of ordinary skill in the art could have applied the known technique of securing a shoulder strap to a support by forming the shoulder strap with a hook, as taught by Von Neumann, in the same way to the device, of Cleworth, and the results would have been predictable. In this situation, one could more effectively attach the shoulder strap to the support portion thereby preventing unwanted disconnection during operation.

9. Claim 17, is rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Reason (2004/0022455). Cleworth discloses the claimed invention previously mentioned above, but lacks, a strap comprising a clip member for connection with said support aperture. However, Reason teaches a technique of securing a shoulder strap (19) to a support (21) by forming the shoulder strap with a clip (20). One of ordinary skill in the art could have applied the known technique of securing a shoulder strap to a support by forming the shoulder strap with a clip, as taught by Reason, in the same way to the device, of Cleworth, and the results would have been

Art Unit: 3723

predictable. In this situation, one could more easily attach and detach the shoulder strap as needed by a user during operation.

10. Claim 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Cook (3460185).

In reference to claims 20 and 21, Cleworth discloses the claimed invention previously mentioned above, but lacks, a securing-member for securing said bag to said discharge portion and about said opening, wherein said securing-member is selected from the group consisting of an adjustable band forming a loop, a fastener, a strap, a string, an alligator-type clamp, a wide jaw clamp, a clip, a ring, a lock, a fixed size collar, an adjustable size collar and combinations thereof. However, Cook teaches of attaching a bag (20) to a discharge portion (45) by using an adjustable string/band (97). One of ordinary skill in the art could have applied the known technique of attaching a bag to a discharge portion by using an adjustable string, as taught by Cook, in the same way to the device, of Cleworth, and the results would have been predictable. In this situation, one could form an air seal thus preventing debris from escaping during operation.

11. Claim 22, is rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Von Neumann (6189750) and Cook (3460185). Cleworth discloses the claimed invention previously mentioned above, but lacks, a securing-member for securing said bag to said discharge portion and about said opening,

Art Unit: 3723

wherein said securing-member is selected from the group consisting of an adjustable band forming a loop, a fastener, a strap, a string, an alligator-type clamp, a wide jaw clamp, a clip, a ring, a lock, a fixed size collar, an adjustable size collar and combinations thereof. However, Cook teaches of attaching a bag (20) to a discharge portion (45) by using an adjustable string/band (97). One of ordinary skill in the art could have applied the known technique of attaching a bag to a discharge portion by using an adjustable string, as taught by Cook, in the same way to the device, of Cleworth, and the results would have been predictable. In this situation, one could form an air seal thus preventing debris from escaping during operation.

12. Claims 29, 30 and 80-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Tate et al. (2005/0177973).

In reference to claims 29, 30 and 80, Cleworth discloses the claimed invention previously mentioned above, but lacks, a circular discharge connector/conduit. However, Tate et al. teach of forming a bag with a circular discharge connector/conduit (18) (Figure 2). One of ordinary skill in the art could have applied the known technique of forming a bag with a discharge connector, as taught by Tate et al., in the same way to the device, of Cleworth, and the results would have been predictable. In this situation, one could more effectively and easily connect the bag to the fluid displacement portion.

Art Unit: 3723

In reference to claim 81, Cleworth when taken in view of Tate et al. would provide the hollow structure (48), of Celworth, with a conduit (18), as taught by Tate et al.

In reference to claim 82, Tate et al. also teach that said conduit comprises a hose (8) (Figure 1).

13. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleworth (4964472) in view of Jammet et al. (2005/0031232). Cleworth discloses the claimed invention previously mentioned above, but lacks, an opening having a removable portion providing said bag with a size selectable opening at an upper portion thereof, wherein said removable portion comprises a tearable section. However, Jammet et al. teach a technique of forming a bag with an opening (13) having a removable portion providing said bag with a size selectable opening at an upper portion thereof, wherein said removable portion comprises a tearable section (4) (Paragraphs 2, 17 and see claim 1 as well). One of ordinary skill in the art could have applied the known technique of forming a bag with an opening having a removable portion providing said bag with a size selectable opening at an upper portion thereof, wherein said removable portion comprises a tearable section, as taught by Jammet et al., in the same way to the device, of Cleworth, and the results would have been predictable. In this situation, one could provide a ore versatile bag having an opening that can be torn open into various sizes depending on the desired size of opening needed by a user.

***Allowable Subject Matter***

14. Claims 23-28 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner also notes that the terminology i.e. "band one end" seems to be a direct translation therefore the examiner recommends that the applicant re-write this limitation to prevent confusion.

15. The following is an examiner's statement of reasons for allowance: The present invention pertains to a leaf bag. It is the examiner's opinion that the art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious, an elongate member including an aperture at one longitudinal end thereof, a band being mounted at one end to said elongate member near said aperture and at an opposite end within said elongate member, said band passing through said aperture so as to form a loop and also said elongate member includes two side apertures at one longitudinal end thereof, a band one end forming a loop outwardly of said elongate member, said band opposite end passing through said elongate member and being adjustable by a biasing member mounted within the elongate member together in combination with the rest of the limitations or the independent claims.

16. The closest prior art consists of Cleworth (4964472), Meyer (2004/0262354), Pink (5711048), LaFleur (5690253), Kline (4747259), Ringer (3747653), Von Neumann (6189750) and Tate et al. (2005/0177973). Cleworth discloses a blower/vacuuming

Art Unit: 3723

device that includes a bag attached to a support member and a shoulder strap attached to the support member as previously discussed above. Meyer discloses a bag carrying device for a blower/vacuum. Pink discloses a blower/vacuuming device having a shoulder strap (79) attached to bag portion (76). LaFleur teaches a technique of holding a bag by using a support member (32) that passes through an inlet of bag (30). Kline teaches of mounting a bag (20) to a support (55) by using hooks (36) mounted to a flexible member (28). Ringer discloses a device for keeping a bag in an open position by using a frame (12) that passes through a periphery of bag (11). Von Neumann teaches a technique for attaching shoulder straps to support members as previously discussed above. Tate et al. teach a technique of attaching a bag to a hose (8) by using a conduit (18) that locks the bag to hose (8). However, none of the prior art teach or suggest an elongate member including an aperture at one longitudinal end thereof, a band being mounted at one end to said elongate member near said aperture and at an opposite end within said elongate member, said band passing through said aperture so as to form a loop and also said elongate member includes two side apertures at one longitudinal end thereof, a band one end forming a loop outwardly of said elongate member, said band opposite end passing through said elongate member and being adjustable by a biasing member mounted within the elongate member.

### ***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SCRUGGS whose telephone number is (571)272-8682. The examiner can normally be reached on Monday-Friday 8-6.

Art Unit: 3723

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT SCRUGGS/  
Examiner, Art Unit 3723



Application/Control Number: 10/585,227  
Art Unit: 3723

Page 16